

03/06/02
J1132 U.S. PTO

SHERIDAN NEIMARK
ROGER L. BROWDY

ANNE M. KORNBAU
NORMAN J. LATKER
DIANA MICHELLE SOBO*
AOI NAWASHIRO

OF COUNSEL
IVER P. COOPER
JAY M. FINKELSTEIN

BROWDY AND NEIMARK, P.L.L.C.

ATTORNEYS AT LAW
PATENT AND TRADEMARK CAUSES

SUITE 300
624 NINTH STREET, N.W.
WASHINGTON, D.C. 20001-5303
TELEPHONE (202)-628-5197

March 6, 2002

ALVIN BROWDY (1917-1998)

PATENT AGENT
ALLEN C. YUN, PH.D.

TELECOPIER FACSIMILE
(202) 737-3528
(202) 393-1012

E-MAIL
mail@browdyneimark.com

*ADMITTED IN FL ONLY
PRACTICE SUPERVISED BY
PRINCIPALS OF THE FIRM

JC986 U.S. PTO
10/091333
03/06/02

Hon. Assistant Commissioner for Patents
Box Patent Appln
Washington, D.C. 20231

Re: New Continuation-in-Part Patent Application in U.S.
Applicant(s): Applicant: Paz EINAT et al
Title: HYPOXIA-REGULATED GENES
Atty's Docket: EINAT=1.1D

Sir:

Attached herewith is the above-identified application for Letters Patent including:

- ☒ Application Data Sheet
- ☒ Specification (87 pages), claims (2 pages), abstract (1 page) and Sequence Listing (26 pages)
- ☒ 13 Sheets Drawings (Figures 1-13)
☒ **FORMAL** [] Informal
- ☒ The inventors of this application are:
See Application Data Sheet
- [] Information Disclosure Statement with SB/08A and ___ references
- ☒ Return Receipt Postcard (in duplicate)

The following statements are applicable:

- [] Applicant hereby requests that this application **not** be published pursuant to 35 U.S.C. §122(a). It is certified on behalf of applicant that the invention disclosed in the application has not been and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.
- [] Applicant claims small entity status. See 37 C.F.R. §1.27.
- [] The benefit under 35 USC §119 is claimed of the filing date of:
Application No. _____ in _____ on _____. A certified copy of said priority document [] is attached [] was filed in progenitor case _____ on _____.
Application No. _____ in _____ on _____. A certified copy of said priority document [] is attached [] was filed in progenitor case _____ on _____.
[] The present application claims the benefit of U.S. Provisional Appln. No. 60/_____, filed _____.
☒ The present application is a [] Continuation [] Division ☒ Continuation-in-Part of prior Application No. 09/604,978, filed June 28, 2000.

- [] Amend the specification by inserting before the first line the sentence:
- [] --This is a continuation / division / continuation-in-part of copending parent application No. _____, filed _____--
- [] --The present application claims the benefit of U.S. Provisional Appln. No. 60/_____, filed _____--
- [] --The present application is the national stage under 35 U.S.C. §371 of international application _____ which designated the United States[, which international application was published under PCT Article 21(2) in English].--
- [X] The application or will be assigned to: Quark Biotech, Inc. whose address is 1059 Serpentine Lane, Pleasanton, CA 94566
- [X] Certain documents were previously cited or submitted to the Patent and Trademark Office in the following prior applications 09/138,112 and 09/604,978, which is relied upon under 35 USC §120. Applicants identify these documents by attaching hereto a form PTO-1449 listing these documents, and request that they be considered and made of record in accordance with 37 CFR §1.98(d). Per Section 1.98(d), copies of these documents need not be filed in this application.
- [] Incorporation By Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- [X] In accordance with 37 CFR 1.53(a) and (b), it is respectfully requested that a serial number and filing date be assigned to this application as of the date of receipt of the present papers. In accordance with the present procedures of the U.S. Patent and Trademark Office, an executed Declaration and the filing fee for the present application will be filed in due course.
- [X] **No authorization is given for charging the filing fee at the present time. However, at such time that the declaration is filed, but not before, you are authorized to charge whatever excess fees are necessary (including the filing fee and any extension of time fees then due) to Deposit Account 02-4035, if any such fees due are not fully covered by check filed at that time.**
- [X] The attorneys of record for this application and the address will be those of Customer No. 001444; i.e., Sheridan Neimark, Reg. No. 20,520; Roger L. Browdy, Reg. No. 25,618; Anne M. Kornbau, Reg. No. 25,884; Norman J. Latker, Reg. 19,963; Iver P. Cooper, Reg. No. 28,005; Jay M. Finkelstein, Reg. No. 21,082; and *Allen C. Yun, Reg. No. 37,971 (*Patent Agent). Please send all correspondence with respect to this case to:

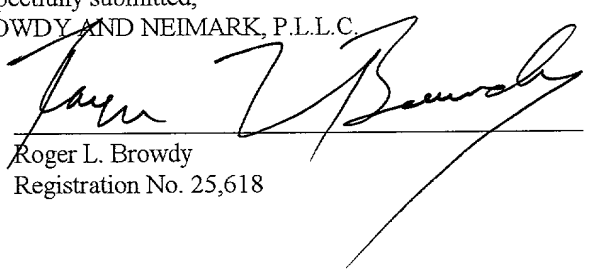
BROWDY AND NEIMARK, P.L.L.C.
624 Ninth Street, N.W.
Washington, D.C. 20001

Please direct all telephone calls to Browdy and Neimark at (202) 628-5197.

- [X] The Commissioner is hereby authorized to credit any overpayment of fees accompanying this paper to Deposit Account No. 02-4035.

Respectfully submitted,
BROWDY AND NEIMARK, P.L.L.C.

By:


Roger L. Browdy
Registration No. 25,618

RLB:rd